REMARKS

I.   <u>Summary of the Office Action</u>

The Office Action mailed March 18, 2008 ("the Office Action") made the following objections and/or rejections, each of which is addressed in more detail below:

Claims 2 and 17 were objected to as being of improper dependent form.

Claims 1-4, 7-12, 16-17, 19, and 22-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0194115 ("Nordlicht") in view of U.S. Patent Application Publication No. 2003/0023505 ("Eglen").

Claims 5-6, 18, and 20-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nordlicht in view of Eglen, and further in view of U.S. Patent Application Publication No. 2002/0147622 ("Drolet").

Claims 13-15 and 26-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nordlicht in view of Eglen, and further in view of U.S. Patent Application Publication No. 2002/0186826 ("Hsu").

II.   <u>Status of the Claims</u>

The present application includes claims 1, 3-16, and 18-29. By this Response, claims 2 and 17 have been cancelled, new claims 28-29 have been added, and claims 1, 3-4, 8, 13, 16, and 22 have been amended to clarify certain claim limitations. Support for these amendments can be found throughout the application, and therefore no new matter is added in this response.

III.   <u>Claim Objections</u>

The Applicant first turns to the objection to claims 2 and 17 as being of improper dependent form. More particularly, claims 2 and 17 were objected to in the Office Action at page 2 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Without addressing whether claims 2 and 17 further limit claims 1 and 16 from which they respectively depend, in the interest of expediting prosecution the Applicant has cancelled claims 2 and 17. In addition, the Applicant has added new claims 28 and 29 which recite a computer readable medium with limitations similar to those recited in independent

claims 1 and 16, respectively. In light of the above, the Applicant respectfully requests that this objection be reconsidered and withdrawn.

IV.   Claim Rejections – 35 U.S.C. 103

The Applicant now turns to the rejection of claims 1-4, 7-12, 16-17, 19, and 22-25 under 35 U.S.C. 103(a) as being unpatentable over Nordlicht in view of Eglen. The Applicant respectfully submits that neither Nordlicht nor Eglen, alone or in combination, teaches or suggests the entirety of the limitations recited in the pending claims for at least the reasons discussed below.

Nordlicht generally relates to systems and methods that facilitate real-time options trading over a computer network. More particularly, as illustrated in Figure 2 and discussed beginning at paragraph [0075], Nordlicht provides a trader client that includes a Potential Order Window ("POW") and a Working Order Window ("WOW").

The POW is discussed in more detail in paragraph [0077], which states that the POW displays a list of order templates that a human trader may complete and submit to the market server as a way for the trader to save commonly used orders so that future submissions may be performed quickly. In addition, paragraph [0084] notes that orders in the POW do not change state (unlike orders sent to the market).

The WOW is discussed beginning at paragraph [0078], which states that the WOW displays all orders placed by the human trader that are currently open. The orders are displayed using a Consolidated Summary Line ("CSL") representation in a table. The table grows dynamically in size as orders are entered. The rows of the table may dynamically update their contents as the status of orders change. The human trader may utilize the WOW to kill all orders placed by the trader or to modify a selected order.

Thus, Nordlicht allows a human trader to utilize a potential order window that provides order templates to enter orders to the market. In addition, Nordlicht allows the human trader to cancel and modify open orders through a working order window.

However, Nordlicht does not teach or suggest increasing an order quantity such that a possibility of a desired order quantity getting filled is increased. In addition, Nordlicht does not teach or suggest dynamically adjusting the order quantity based on a total quantity in an order

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queue at a price. Rather, as discussed above, Nordlicht merely provides a trader client so a human trader can make orders based on a template and modify and/or kill those orders.

Eglen generally relates to a sales system adapted to dynamically price goods and/or services over a computer network. As discussed in paragraph [0050], Eglen provides a dynamic processing system that stores, dynamically prices, and delivers media content items to clients over a network. More particularly, as illustrated in Figure 25 and discussed beginning at paragraph [0102], the technique of Eglen sets an initial price for an item for sale with the dynamic pricing system and displays it to customers. Orders for the item are received by the system which tracks the price and quantity order for a first time period. After the first time period, the dynamic pricing system sets a second price for the item. The system then tracks the quantity ordered in a second time period (at the second price). Based on several equations discussed in Eglen, a profit maximizing price can be determined based on the tracked price/quantity sold data.

However, Eglen does not teach or suggest increasing an order quantity such that a possibility of a desired order quantity getting filled is increased. In addition, Eglen does not teach or suggest dynamically adjusting the order quantity based on a total quantity in an order queue at a price. Rather, as discussed above, Eglen provides a system that dynamically adjusts the price of an item being sold to customers in order to determine a profit maximizing price for the item.

Accordingly, without conceding the propriety of the asserted combination, the Applicant respectfully submits that, even in view of the knowledge of one of ordinary skill in the art, Eglen does not cure the deficiencies of Nordlicht discussed above.

Independent claim 1 recites "increasing the order quantity to an increased order quantity such that a possibility of the desired order quantity getting filled is increased" and "dynamically adjusting the order quantity based on a total quantity in the order queue at the price." Independent claims 16, 28, and 29 recite similar limitations. Nordlicht does not teach or suggest such limitations. Eglen also does not teach or suggest such limitations. Thus, neither Nordlicht nor Eglen, alone or in combination, teaches or suggests the entirety of the limitations recited in the pending claims. Therefore, the Applicant respectfully submits that independent claims 1, 16, 28, and 29 should be allowable over the cited art of record for at least the reasons discussed above.

With respect to claims 2-4, 7-12, 17, 19, and 22-25, these claims depend from independent claims 1 and 16. The Applicant respectfully submits that because claims 1 and 16 should be allowed for at least the reasons discussed above, claims 2-4, 7-12, 17, 19, and 22-25 should also be allowed.

The Applicant now turns to the rejection of claims 5-6, 18, and 20-21 under 35 U.S.C. 103(a) as being unpatentable over Nordlicht in view of Eglen, and further in view of Drolet. Drolet generally relates to systems and methods for allowing organizations to receive, analyze, and respond to real-time information from supply chain partners through the monitoring of configurable supply chain parameters. The Applicant respectfully submits that Drolet fails to cure the deficiencies of Nordlicht and Eglen discussed above. Thus, Applicant respectfully submits that none of Nordlicht, Eglen, and Drolet, alone or in combination, teaches or suggests the entirety of the limitations recited in the pending claims.

Claims 5-6, 18, and 20-21 depend from independent claims 1 and 16. The Applicant respectfully submits that because claims 1 and 16 should be allowed for at least the reasons discussed above, claims 5-6, 18, and 20-21 should also be allowed.

The Applicant now turns to the rejection of claims 13-15 and 26-27 under 35 U.S.C. 103(a) as being unpatentable over Nordlicht in view of Eglen, and further in view of Hsu. Hsu generally relates to automating aspects of offering a service upgrade to a service user based on an evaluation of the service user's utilization history and the system capacity. The Applicant respectfully submits that Hsu fails to cure the deficiencies of Nordlicht and Eglen discussed above. Thus, Applicant respectfully submits that none of Nordlicht, Eglen, and Hsu, alone or in combination, teaches or suggests the entirety of the limitations recited in the pending claims.

Claims 13-15 and 26-27 depend from independent claims 1 and 16, respectively. The Applicant respectfully submits that because claims 1 and 16 should be allowed for at least the reasons discussed above, claims 13-15 and 26-27 should also be allowed.

V.   Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicant will not address

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such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (for example, if such statements should become relevant by appearing in a rejection of any current or future claim).

All the stated grounds of objection and rejection have been respectfully traversed, accommodated, or rendered moot. The Applicant therefore submits that the present application is in condition for allowance. If the Examiner believes that further dialog would expedite consideration of the application, the Examiner is invited to contact Trading Technologies in-house Patent Counsel Adam Faier at 312-698-6003, or the undersigned attorney or agent.

Respectfully submitted,

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